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Notice of Allowability	Application No.	Applicant(s)	
	09/866,502	CHANG ET AL.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Filed June 22, 2007.
2. ☒ The allowed claim(s) is/are 1,5,7,8,11-18 and 22-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

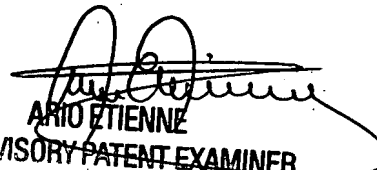
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/13/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Zimmerman (Reg. No. 57,993) on July 18, 2007.

IN THE CLAIMS

Please cancel claims 2-4, 19-21 and 37-44 without prejudice or disclaimer.

Please amend claim claims 1, 13, 15, 22, 23, 24 and 25 as follows:

1. (Currently amended) A method of managing of peer-to-peer network downloads, comprising:

initiating a broadcast search from a client on a peer-to-peer network;

receiving a list of servers that satisfy the search;

comparing a connection speed of at least one of the servers to an available network access bandwidth of the client;

selecting one of a plurality of downloading systems based on the comparison;

determining if an available bandwidth is less than a connection speed to two of the

servers;

when the available bandwidth is less than the connection speed to two of the servers,

selecting a serial concatenated download system;

when the available bandwidth is not less than the connection speed to two of the servers,
selecting a multiple concurrent download system;

when the available bandwidth is not less than the connection speed to two of the servers,
selecting a multiple concatenated download system; and

downloading a file using one of the plurality of downloading systems.

13. (Currently Amended) The method of claim 1, wherein receiving the list of servers further comprises:

receiving a source node for the file.

downloading a file using one of the plurality of downloading systems.

15. (Currently Amended) A method of managing peer-to-peer network downloads, comprising:

broadcasting a search query from a client over the peer-to-peer network;

receiving a list of servers and a list of associated document names that satisfy the search query;

comparing a connection speed of at least one of the servers on the list of servers to an available network access bandwidth of the client;

determining one of a plurality of downloading systems based on the comparison;

determining if an available bandwidth is less than a connection speed to two of the servers;

when the available bandwidth is less than the connection speed to two of the servers,
selecting a serial concatenated download system;

when the available bandwidth is not less than the connection speed to two of the servers,
selecting a multiple concurrent download system;

when the available bandwidth is not less than the connection speed to two of the servers,
selecting a multiple concatenated download system; and
downloading a file via the one of the plurality of downloading systems.

22. (Currently Amended) The method of claim [[19]] 15, wherein selecting the serial concatenated download system further comprises:

starting a download from one of the list of servers; and
if the one of the list of servers is interrupted during the download, selecting a second of the list of server to start a download; iii) requesting the download to start at a next byte after a last received byte.

23. (Currently Amended) The method of claim [[20]] 22, wherein selecting the multiple concurrent download system further comprises:

starting a download from at least two of the servers; and
if any of the at least two of the servers finishes the download, terminating the download for any other servers.

24. (Currently Amended) The method of claim [[21]] 22, wherein selecting the multiple concatenated download system further comprises:

starting a first download at a first byte of the file for one of the at least two servers;
starting a second download at a second byte of the file for a second of the at least two servers; and

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determining when a complete file has been downloaded by combining the first download and the second download.

25. (Currently Amended) A method of operating a peer-to-peer network comprising the steps of:

initiating a broadcast search from a first peer to the peer-to-peer network;

receiving a list of peer servers that meet a search query;

comparing a connection speed to at least one of the peer servers to an available network access bandwidth of the first peer;

selecting one of a plurality of downloading systems based on the comparison;

determining if an available bandwidth is less than a connection speed to two of the servers;

when the available bandwidth is less than the connection speed to two of the servers,

selecting a serial concatenated download system;

when the available bandwidth is not less than the connection speed to two of the servers,

selecting a multiple concurrent download system;

when the available bandwidth is not less than the connection speed to two of the servers,

selecting a multiple concatenated download system; and

downloading a file using the selected one of the plurality of downloading systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

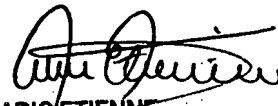
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
July 20, 2007


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